

BEFORE THE COPYRIGHT ROYALTY TRIBUNAL Washington, D.C. 20009

In the matter of)			
1989 Satellite Carrier)	CRT	Docket No	. 91-1-89SCD
Distribution Proceeding)			

COMMENTS OF GANNETT CO., INC.
ON EXISTENCE OF CONTROVERSY AND NOTICE
OF INTENT TO PARTICIPATE

I. <u>Comments on Existence of Controversy</u>

In response to the Tribunal's May 14, 1991 Notice, on behalf of Gannett Co., Inc. (Gannett), */ we submit these comments regarding the existence of a controversy for the 1989 Satellite Carrier Copyright Royalty Distribution Proceeding. While Gannett is not formerly affiliated with any other claimant, it has engaged in settlement discussions with Program Suppliers and Broadcast claimants. Gannett believes that in light of the various new issues raised by this royalty and the limited size of the royalty pool, it is premature to declare a controversy. The parties should be encouraged to seek settlement of their claims.

II. Notice of Intent to Participate

Gannett hereby notifies the Tribunal of its intent to participate in the Program Suppliers and Commercial Broadcast Categories. Gannett's claim is for syndicated television series and specials, local and public affairs programming.

^{*/} Gannett Co., Inc. is the parent of claimants Pacific and Southern Co., Inc., licensee of WXIA-TV and KUSA Broadcasting, Inc., licensee of KUSA-TV. The signals of both KUSA-TV and WXIA-TV are retransmitted to the home dish community.

Counsel to be served with all documents filed with the Tribunal are identified below.

Respectfully submitted

MULTIMEDIA ENTERZAZNMENT, INC.

Arnold P. Witzker

By XLaw Mully Manager Diane M. Morse

Arnold P. Lutzker
Diane M. Morse
DOW, LOHNES & ALBERTSON
1255 Twenty-Third Street, N.W.
Suite 500
Washington, D.C. 20037
(202) 857-2500

June 24, 1991

CERTIFICATE OF SERVICE

I, Arnold P. Lutzker, do hereby certify that I have this twenty-fourth day June, 1991, mailed by first class United States mail, postage pre-paid, the foregoing "Comments of Gannett Co., Inc. on the Existence of Controversy and Notice of Intent to Participate" to the following:

W. Thad Adams, III, Esquire 2180 First Union Plaza 301 S. Tryon Street Charlotte, NC 28282

Clifford M. Harrington, Esquire
Barry H. Gottfried, Esquire
Fisher, Wayland, Cooper &
Leader
Suite 800
1255 - 23rd Street, N.W.
Washington, D.C. 20037

Gene A. Bechtel, Esquire Bechtel & Cole, Chartered 1901 L Street, N.W. Suite 250 Washington, D.C. 20036

Charles T. Duncan, Esquire Reid & Priest Market Square 701 Pennsylvania Avenue, N.W. Washington, D.C. 20004

John H. Midlen, Jr., Esquire John H. Midlen, Jr., Chartered 3238 Prospect Street, N.W. Washington, D.C. 20007

Robert A. Garrett, Esquire Arnold & Porter 1200 New Hampshire Avenue, N.W. Washington, D.C. 20036 Jamie S. Gorelick, Esquire Niki Kuches, Esquire Miller, Cassidy, Larroca & Lewin 2555 M Street, N.W. Washington, D.C. 20037

Arthur Scheiner, Esquire Dennis Lane, Esquire Holland & Knight 888 - 17th Street, N.W. Suite 900 Washington, D.C. 20006

Douglas G. Thompson, Jr.,
Esquire
L. Kendall Satterfield,
Esquire
Finkelstein, Thompson,
Levenson & Lewis
2828 Pennsylvania Avenue, N.W.
Suite 200
Washington, D.C. 20007

Peter H. Feinberg, Esquire Pepper & Corazzini 1776 K Street, N.W. Suite 200 Washington, D.C. 20006

John I. Stewart, Jr., Esquire Crowell & Moring 1001 Pennsylvania Avenue, N.W. Washington, D.C. 20004-2505

Paula A. Jameson, Esquire Steven R. Gitelman, Esquire Public Broadcasting Service 1320 Braddock Place 6th Floor Alexandria, VA 22314 Philip R. Hochberg, Esquire Baraff, Koerner, Olender & Hochberg 2033 M. Street, N.W. Suite 700 Washington, D.C. 20036

Judy Jurin Semo, Esquire Squire, Sanders & Dempsey 1201 Pennsylvania Avenue, N.W. Washington, D.C. 20004

Lois J. Schiffer, Esquire Carol R. Whitehorn, Esquire National Public Radio 2025 M Street, N.W. Washington, D.C. 20036

Henry L. Baumann, Esquire Benjamin F. P. Ivins, Esquire National Association of Broadcasters 1771 N Street, N.W. Washington, D.C. 20036

Laurie Hughes, Esquire SESAC, Inc. 55 Music Square East Nashville, TN 37203

Fritz E. Attaway Allen R. Cooper Motion Picture Association of America, Inc. 1600 Eye Street Washington, D.C. 20006

Sam Antar
Vice President, Law &
Regulation
Kristin C. Gerlach
Senior General Attorney, Law
& Regulation
Capital Cities/ABC, Inc.
77 West 66th Street
New York, New York 10023

George R. Grange, II, Esquire Diane H. Ming, Esquire Richard M. Campanelli, Esquire Gammon & Grange 1925 K Street, N.W. Suite 300 Washington, D.C. 20006

Mr. Robert T. Kennedy
Director of Cable Relations
Christian Television
Corporation, Inc.
P. O. Box 6922
Clearwater, FL 34618

I. Fred Koenigsberg, Esquire Bernard Korman, Esquire ASCAP One Lincoln Plaza New York, NY 10023

Edwin M. Durso
Thomas J. Ostertag
Office of the Commissioner of
Baseball
350 Park Avenue, 17th Floor
New York, NY 10022

Thomas P. Olson Wilmer, Cutler & Pickering 2445 M Street, N.W. Washington, D.C. 20037-1420

Brenda L. Fox
Seth A. Davidson
National Cable Television
Association, Inc.
1724 Massachussetts Ave., N.W.
Washington, D.C. 20036

Ellen Shaw Agress
Vice President
Legal Policy & Planning
Julie Sullivan
Assistant General Attorney
National Broadcasting Company,
Inc.
30 Rockefeller Plaza
New York, New York 10112

Mark W. Johnson CBS, Inc. 1800 M Street, N.W. Washington, D.C. 20036

Howard F. Jaeckel
Associate General Counsel
Sanford I. Kryle
General Attorney
CBS, Inc.
51 West 52nd Street
New York, New York 10019

Charlene Vanlier Capital Cities/ABC, Inc. 2445 M Street, N.W. Washington, D.C. 20037

Arnold P. Lutzker

June 24, 1991

DOW. LOHNES & ALBERTSON

ATTORNEYS AT LAW
1255 TWENTY-THIRD STREET
WASHINGTON, D. C. 20037



JUN 2 5 1991 TELECOPIER (202) 857-2900

> CABLE "DOWLA" TELEX 425546

TELEPHONE (202) 857-2500

ARNOLD P. LUTZKER

DIRECT DIAL NO.

857-2575

June 25, 1991

VIA HAND DELIVERY
Chairman Mario F. Aguero
Copyright Royalty Tribunal
1825 Connecticut Avenue, N.W.
Suite 918
Washington, D.C. 20009

Dear Chairman Aguero:

On behalf of Gannett Co., Inc., we respectfully request that the Tribunal accept the attached corrected copy of "Comments of Gannett Co., Inc. on Existence of Controversy and Intent to Participate" in the 1989 Satellite Carrier Distribution Proceeding. The original Comments of Gannett Co., Inc. were timely filed yesterday, June 24; however, the signature page inadvertently listed Multimedia Entertainment, Inc. as having submitted the Comments, rather than Gannett Co., Inc. The error was recognized after your office closed, but the service copies were sent with a corrected signature page.

Please contact me or my assistant, Nancy Fallgren (857-2889) if the Tribunal requires additional clarification.

With best wishes.

Amold D Tutalon

Enclosure